IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14244 of 2004

Between:

G. Ramachandra Raju S/o. Venkata Raju
R/o. Sunnapurallapalli Village, Obulavaripalli Mandal, Kadapa District.

..... PETITIONER

AND

1 The Govt of A.P., rep. by its Principal Secretary, Home Dept., Secretariat, Buildings, Hyd.
2 The District Collector, Kadapa District, Kadapa.
3 The Station House Officer, Obulavaripalli Police Station, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order, or Direction, more particularly one in nature of Writ of Mandamus declaring the action of the Respondents in not returning the weapon i.e., DBBL 12 bore Gun bearing No. Obulavaripalli-14 to the Petitioner despite the renewal of license under proceedings NO.F. Dis.C3/775/M/03 Dt. 15.12.2003 of the 2nd respondent, which is lying under deposit with the 3rd respondent as illegal, arbitrary and violative of Article 12(1)(g) and 21 of the Constitution of India and consequently direct the respondents to return the petitioner's weapon DBBL 12 bore Gun to the petitioner.

Counsel for the Petitioner: MR.MOHD.MOINUDDIN

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following :

THE HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.14244 OF 2004

ORDER:

Petitioner claims to be the holder of one DBBL 12-bore gun obtained by him basing on the license bearing No.Obulavaripalli-14, granted by the second respondent. He states that the said license was granted for self-protection and that it has been renewed from time to time and it is valid up to 31st December, 2004. While so, during the year 1994 when the Government temporarily suspended fire arms license for Rayalaseems Region for a period of six months, the petitioner had deposited his weapon with the third respondent and it has been subsequently shifted for D.P.O.Kadapa for proper maintenance and safe custody. The petitioner states that there are no criminal cases pending against him and that since the weapon is required for the protection of his property, he made several requests to the respondents for return of his weapon. The grievance of the petitioner is that the respondents failed to consider his request and the weapon has not been returned so far. Hence, this writ petition.

As can be seen from the material on record, the petitioner has not made any representation in writing, but he states that he has orally requested the respondents, but his request has not been considered. The learned counsel has placed before me the Government Order issued in the year 2000 in G.O.Rt.No.682, Home (General.C.)

Department, dated 25.4.2000 whereunder the government has prescribed certain guidelines for release of weapon.

Having heard the learned Counsel for both parties and having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition permitting the petitioner to make a representation before the District Collector, Kadapa, the second respondent herein for return of his weapon explaining the reasons therefore. On receipt of such representation, the second respondent shall consider the same and to pass appropriate orders in terms of G.O.Rt.No.682, dated 25.4.2000, as expeditiously as possible.

The writ petition is accordingly disposed of. No costs.

12.8.2004.

mdaa.

Copy to:

1 Principal Secretary, Home Dept., Govt.of A.P., Secretariat, Buildings, Hyd.
2 The District Collector, Kadapa District, Kadapa.
3 The Station House Officer, Obulavaripalli Police Station,
Kadapa District.

4. Two C.Cs. for G.P.for Home, High Court of A.P., Hyderabad (OUT)

5. Two C.D.copies.